In the High Court of Punjab and Haryana at Chandigarh

CWP No. 13380 of 2006

Date of decision: 24.8.2006

Veerpal Singh

…Petitioner

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Mani Ram Verma, Advocate,

for the petitioner.

JUDGMENT

M.M. KUMAR, J.

The petitioner was allotted Family Quarter No. 5-B in Police Lines, Rohtak, on 25.4.1998. He was transferred from Rohtak to Superintendent of Police Commando Haryana, Newal, District Karnal on 21.4.2001. On 6.8.2001, he was directed by the Superintendent of Police, Rohtak, through Superintendent of Police Commando, Newal, District Karnal, to vacate the Family Quarter

failing which penal rent was to be recovered. His request, made on 27.8.2001, for allowing him to retain the quarter was rejected by the Superintendent of Police on 5.9.2001. On 19.3.2002, Superintendent of Police, Rohtak, again wrote to Superintendent of Police Commando, Newal, for getting the aforementioned quarter vacated from the petitioner. Similar other letters were also written but all in vain. On 9.1.2006, the request made by the petitioner on 29.12.2005 to permit him to retain the quarter was again declined. Even the Inspector General of Police, Rohtak, rejected such a request on 10.3.2006. On 8.8.2006, the Superintendent of Police, Rohtak, cancelled the allotment of quarter. The petitioner has challenged various orders including the order of cancellation asking him to vacate the quarter. He has further sought a direction under Article 226 of the Constitution to respondents to allow the petitioner to retain the Family Quarter by restraining them from making recovery of penal rent.

We have heard the learned counsel and are of the view that the writ petition is wholly misconceived. The petitioner is a member of disciplined force and he was allotted a Family Quarter on 25.4.1998, which he supposed to have vacated within three months after his transfer on 21.4.2001. Despite various notices sent to the petitioner, which he falsely claims to have never reach him, the petitioner has failed to deliver back the vacant possession of the Family Quarter. Such an attitude adopted by the petitioner is hardly appreciable, especially when it is remembered that he is a member of disciplined force. There is no question of granting any relief to the

petitioner in equitable jurisdiction under Article 226 of the Constitution or to stay recovery of penal rent from him as the act of retaining the possession of the quarter in question for more than five years after his transfer from Rohtak is a telltale story of retaining official accommodation at the cost of others who deserve to be allotted the same. There is no merit in the petition and we dismiss the same in limine.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

August 24, 2006

Pkapoor